

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE
NO. 02-466, JUDGE JOHN RENKE, III

SC03-1846

RESPONDENT'S OBJECTIONS TO THE JQC'S TRIAL EXHIBITS

COMES NOW, Respondent, JUDGE JOHN RENKE, III, by and through his undersigned counsel and files this, his Objections to the JQC's Trial Exhibits, and sets forth the following objections:

A. Judge Renke objects to the relevancy of the documents that pertain to former charge 8 which has been dismissed by the JQC. The pertinent documents are set forth below.

JQC Exhibit 5: Campaign flyer from Republican Party of Pasco County on which former Charge 8 was based.

JQC Exhibit 8: Newspaper article referencing the alleged facts pertaining to former Charge 8.

JQC Exhibit 9: Newspaper Editorial referencing the alleged facts pertaining to former Charge 8.

JQC Exhibit 45: Deposition Transcript of Judy Braak in Florida Election Commissions v. Republican Party of Pasco dated March 30, 2004 with exhibits thereto.

JQC Exhibit 49: Deposition Transcript with Exhibits for Judy Braak.

JQC Exhibit 50: Deposition Transcript with Exhibits for Scott Factor.

JQC Exhibit 51: Deposition Transcript with Exhibits for Hugh Townsend.

B. Judge Renke objects to the newspaper editorials on the basis of hearsay, improper opinion testimony and character testimony from an unknown author. In addition, the editorials are more prejudicial than probative to any issue in controversy and are therefore not relevant.

JQC Exhibit 23: St. Petersburg Times Editorial, “Dirty Bench Politics”

JQC Exhibit 57: Tampa Tribune Editorial dated February 2, 2005 “Judge Renke Should Resign”

JQC Exhibit 59: St. Petersburg Times Editorial dated February 28, 2005 “Renke should resign”

C. Judge Renke objects to the newspaper articles that do not contain any statements made by parties to the proceedings. The articles are merely a summary or condensed version of the proceedings that have no probative value to any issue in controversy.

JQC Exhibit 25: St. Petersburg Times Articles dated December 11, 2003 “Campaign Mistakes Unintended.”

JQC Exhibit 58: St. Petersburg Times Article dated March 17, 2005 “Renke Loses Bid to Halt Charges.”

D. Judge Renke objects to the newspaper articles that purportedly contain statements made by any of the testifying witnesses. The statements referenced in the newspaper articles are not relevant to any issue in controversy. Further, the newspaper articles are not a proper source for impeachment as prior inconsistent statements because any statements made to a newspaper reporter were not “made under oath subject to the penalty of perjury at the trial or hearing, or other proceeding or deposition as required by Florida Statutes Section 90.801(2)(a).” Moreover, the remainder of the newspaper articles are merely a summary or condensed version of the proceedings that has no probative value to any issue in the proceeding.

JQC Exhibit 27 and 62 (same exhibit): St. Petersburg Times Article dated October 24, 2003 “Panel accuses Judge of Misleading Voters.”

JQC Exhibit 55: St. Petersburg Times Article dated February 19, 2005 “Judge Faces New Election Charges.”

JQC Exhibit 56: St. Petersburg Times Article dated May 13, 2005
“Prosecutors Seek Renke’s Father’s Files.” (Reporting on the Motions for Protective Order and Motions to Compel filed by the JQC and John Renke II.)

JQC Exhibit 60: St. Petersburg Times Article dated June 4, 2005
“Prosecutors say Judge’s Father Still Keeps Paper.” (Reporting on the Motions for Protective Order and Motions to Compel filed by the JQC and John Renke II).

JQC Exhibit 61: St. Petersburg Times Article “Judge’s Father says Charges are Nitpicky.”

E. Judge Renke objects to the statements made by his attorney in furtherance of settlement or compromise. Prior to the JQC amending its charges, Special Counsel and the Judge’s counsel discussed the judge voluntarily providing information with the understanding that it would be used to evaluate the necessity of amending the charges. To that end, the Judge’s counsel authored letters providing the requested information. Use of this information at the final hearing violates Florida Statute, section 90.408.

JQC Exhibit 63: Correspondence from Scott Tozian to Marvin E. Barkin dated December 22, 2004.

JQC Exhibit 64: Correspondence from Scott Tozian to Michael K. Green with enclosures dated September 29, 2004.

F. Judge Renke objects to the undated, unsigned Privilege Log because it is not relevant to the Notice of Formal Charges.

JQC Exhibit 29: Undated, unsigned Privilege Log from John K. Renke, II.

G. Judge Renke objects to the introduction of deposition transcripts with attached exhibits of witnesses who testify at the final hearing. The depositions were taken for discovery purposes and not for final testimony.

JQC Exhibit 47: Deposition Transcript with Exhibits for John K. Renke, III.

JQC Exhibit 48: Deposition Transcript with Exhibits for Thomas Gurran.

JQC Exhibit 52: Deposition Transcripts with Exhibits for John K. Renke, II.

JQC Exhibit 112: Deposition Transcript with Exhibits for Jack Hebert.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of August, 2005, the original of the foregoing Objections to the JQC's Trial Exhibits has been furnished by electronic transmission via e-file@flcourts.org and furnished by FedEx overnight delivery to: Honorable Thomas D. Hall, Clerk, Supreme Court of Florida, 500 South Duval Street, Tallahassee, Florida 32399-1927; and true and correct copies have been furnished by facsimile and FedEx overnight delivery to Judge James R. Wolf, Chairman, Hearing Panel, Florida Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, Florida 32303; Marvin E. Barkin, Esquire, and Michael K. Green, Esquire, Special Counsel, 2700 Bank of America Plaza, 101

East Kennedy Boulevard, P. O. Box 1102, Tampa, Florida 33601-1102; Ms. Brooke S. Kennerly, Executive Director, Florida Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, Florida 32303; John R. Beranek, Esquire, Counsel to the Hearing Panel, P.O. Box 391, Tallahassee, Florida 32302; and Thomas C. MacDonald, Jr., Esquire, General Counsel, Florida Judicial Qualifications Commission, 1904 Holly Lane, Tampa, Florida 33629.

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